

STATE OF MICHIGAN
BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION

COMPLAINT AGAINST:

Hon. William C. Hultgren
19th District Court
16077 Michigan Avenue
Dearborn, MI 481216

Formal Complaint No. 82

ANSWER TO COMPLAINT AND AFFIRMATIVE DEFENSES

Hon. William C. Hultgren, by his attorney Philip J. Thomas, answers Formal Complaint No. 82 (Complaint) as follows:

1. Judge Hultgren admits this paragraph. Judge Hultgren would further add that he has faithfully served as a judge of Dearborn's 19th District Court for approximately 15 years.
2. Judge Hultgren admits this paragraph.
3. Judge Hultgren denies this paragraph in the form stated. Judge Hultgren's secretary, Carol Hunt, is unable to recall if she was in fact the individual who set the October 16, 2006 appointment for Mr. Beydoun. In an affidavit Ms. Hunt provided, her recollection with regard to Mr. Beydoun's appointment is as follows:
 - I do not recall speaking to an Ali Beydoun regarding an appointment that was scheduled for October 16, 2006.
 - Carbon copies of messages that are dated October 13, 2006, indicate that I took a message off of the voice mail from Ali Beydoun requesting a fifteen minute meeting.

- I do not recall if I returned Mr. Beydoun's phone call to set up the meeting or if another member of our office did so.

See Attachment 1, which is a copy of Ms. Hunt's affidavit, and Attachment 2, which is a carbon copy of the October 13, 2006 message.

Ms. Hunt believes that if she had made the appointment for Mr. Beydoun and if he indicated that he would be bringing two other people, she would have noted that fact on Judge Hultgren's calendar.

- I do not believe that a meeting was set up for any other party other than Ali Beydoun because if I or any other person at our office had done so, usually an entry would be noted on the Judge's calendar indicating that two other individuals would be present for the meeting.
- After reviewing the Judge's calendar for October 16, 2006, an entry for October 16, 2006 indicates that he had a meeting with "Wally Beydoun" at 11:00 a.m.

See Attachment 1. Judge Hultgren's October 2006 calendar indicates that he had a meeting with Wally Beydoun¹ at 11:00 a.m. It is critical to note that no other individuals are referenced as planning to attend the meeting in question (see Attachment 3).

4. Judge Hultgren denies this paragraph in the form stated. Prior to the October 16, 2006 meeting, Judge Hultgren had no information about the civil case in question, what legal issues were involved, or the identity of the parties to the lawsuit. In an affidavit that Mr. Beydoun provided, he states:

- In 2006, my business partner Frank Dabaja told me that his cousin Hussein Dabaja was being sued for some money that he did not owe. I did not

¹ According to information provided by Mr. Beydoun, he goes by the nickname of Wally.

know any other details about this matter. At the time that Frank told me about Hussein's case, I thought it was simply a case of mistaken identity.

- A few days after my conversation with Frank, I ran into the Judge at the Fairlane Club. **I asked the Judge if I could talk about a legal matter that my friend was going through. I did not provide him any details about the case at that time. The Judge told me to set up an appointment with his secretary. This was the extent of our conversation on this matter.**
- After I left the club, I called his secretary and set up an appointment for October 16, 2006. **Although I told his secretary that I may be bringing two other people, I did not tell the secretary who I was bringing.**

See Attachment 4 (emphasis added). Prior to the meeting that occurred on October 16, 2006, it is critical to note that Judge Hultgren did not know Frank Dabaja or Hussein Dabaja.

5. Judge Hultgren admits this paragraph with the following clarification. Due to Hussein Dabaja's limited command of the English language, his cousin Frank Dabaja translated for him.
6. Judge Hultgren denies this paragraph in the form stated. We incorporate by reference our answer to paragraph 5 above. The Examiner's use of the term "claim" is unclear. The point Hussein Dabaja was attempting to make was that he should not have been named a defendant in the case. It was a case of mistaken identity.
7. Judge Hultgren denies this paragraph in the form stated. Prior to the October 16, 2006 meeting, Judge Hultgren had absolutely no information regarding Hussein

Dabaja's case. The first time that Judge Hultgren knew anything about this case was when the three gentlemen came to his office and explained Hussein Dabaja's plight. Pursuant to Judge Hultgren's request, his secretary looked up Hussein Dabaja's name in their computer system. At that time, Judge Hultgren discovered that a default judgment had been entered against Hussein Dabaja and that the case was assigned to Judge Somers' courtroom.

8. Judge Hultgren admits this paragraph. We incorporate by reference our answer to paragraph 7.
9. Judge Hultgren denies this paragraph in the form stated. To the best of Judge Hultgren's recollection, the October 16, 2006 meeting lasted a total of no more than 15 minutes. When Judge Hultgren discovered that the case had been assigned to Judge Somers' courtroom and that a default judgment had been entered, he informed Frank, Hussein and Ali that there was nothing he could do for them. Judge Hultgren also informed Hussein that he needed to hire an attorney to file a motion to set aside the default judgment in order to rectify the mistake. In paragraphs 7-9 of Hussein Dabaja's affidavit, he indicates that Judge Hultgren specifically informed them of his inability to provide assistance. Hussein Dabaja states:

After I explained my case to the Judge, he told Frank that there was nothing he could do for me. He said that he could not interfere and that we had to hire an attorney to file a motion to set aside the default judgment.

I was very upset and pleaded with the Judge. I asked him to please help me because I could not afford to hire an attorney to clear up these mistakes. The Judge reluctantly agreed to call

Mr. Hocking's office to see if he could clear up the mix up over the telephone. The Judge asked me for my paperwork and he wrote a letter that he faxed to Mr. Hocking's office explaining the mix up.

After he faxed the letter, the **Judge told me that he could not do anything else for me and that I had to hire an attorney.**

See Attachment 5.

Based upon Judge Hultgren's recollection, one of the gentlemen also informed him that Mr. Hocking was aware of the mistake in identity, as it had been previously cleared up by attorney David Turfe earlier that year.² Mr. Turfe's recollection of the events regarding this matter is as follows:

Sometime in early to mid 2006 Mr. Dabaja called me regarding a judgment entered against him. Mr. Dabaja advised me in this initial call that a court officer was attempting to effectuate a Writ of Execution on his assets. Mr. Dabaja advised me further that the individual named on the judgment was not him. As a courtesy to Mr. Dabaja I called the attorney listed on the paperwork and advised same that they are attempting to execute on the wrong individual. **After fully discussing the matter with the collection attorney (the name of which I cannot recall) we agreed to stop execution process in order to allow me to fax over Mr. Dabaja's identifying information to substantiate our position. I called Mr. Dabaja and advised him to fax over any and all identifying information, which he immediately did. After receipt of the information, the collection attorney in fact confirmed that this was a case of mistaken identity and that they were attempting to collect the judgment amount on the wrong individual. Because of the prompt response by the collection attorney confirming a clear case of mistaken identity and the fact that Mr. Dabaja was not the named party, no motions or other pleadings were filed. Mr. Dabaja and I relied on the**

² David Turfe was subsequently elected judge of the 20th District Court and could no longer represent Hussein Dabaja.

representation of the collection attorney that this matter would be closed and trusted that the collection attorney would make the proper notation in his file.

See Attachment 6 (emphasis added).

Judge Hultgren felt sorry for Hussein Dabaja and he attempted to address the situation in a very informal and expeditious manner. Based upon the information provided to him on that date, Judge Hultgren honestly believed that Mr. Hocking was already aware of the fact that Hussein Dabaja was a victim of a mistake in identity. Judge Hultgren adamantly denies that the act of accepting documents from Hussein Dabaja regarding the civil case in question constitutes evidence of judicial misconduct.

10. Judge Hultgren denies this paragraph in the form stated. However, we incorporate by reference our response to paragraph 9 and paragraph 11.
11. Judge Hultgren denies this paragraph in the form stated. Judge Hultgren provided a representative from attorney Thomas Hocking's office with information set forth in his letter of October 16, 2006 over the telephone. Judge Hultgren never represented that he was calling on behalf of the court, nor did he make the representation that he was the judge presiding over the case. The conversation lasted a few minutes. Judge Hultgren subsequently provided the information which he relayed over the telephone in a letter which was faxed to Mr. Hocking for review.
12. Judge Hultgren admits this paragraph. We incorporate by reference our response to paragraphs 9, 10, and 11.

13. Judge Hultgren denies this paragraph in the form stated. Although Judge Hultgren's letter was placed on court stationary, Judge Hultgren never made any representations in his letter that would indicate that he was the judge presiding over the case. In fact, at the top of page 2 of his letter the Judge openly disclosed the fact that he had no firsthand knowledge with regard to this case by stating, "This particular defendant, Hussein A. Dabaja, was brought to my attention by a mutual friend of mine and Mr. Dabaja's." See Attachment 7. If Judge Hultgren wanted to make it appear that he had been assigned to the case, the above disclosure would have undermined such an objective.
14. Judge Hultgren admits this paragraph.
15. Judge Hultgren admits this paragraph and would further add that pursuant to the December 8, 2006 hearing, Judge Somers denied Hussein Dabaja's Objection to Garnishment based upon his reaction to Judge Hultgren's October 16, 2006 letter to Mr. Hocking. Coincidentally, it was Hussein Dabaja's attorney, Raymond Salloum who provided Judge Somers a copy of Judge Hultgren's letter to Mr. Hocking's office. Mr. Salloum did so because he clearly felt that there was nothing improper in that regard. Mr. Salloum was shocked at Judge Somers' reaction, and tried to explain the merits of Hussein Dabaja's case. Mr. Salloum's recollection of the hearing was as follows:

At the December 8, 2006 hearing, Mr. Hocking was unable to attend and sent an associate from his office that was unfamiliar with the case. As a result, I began to argue the merits of Mr. Dabaja's case to the court. **I made reference to Judge Hultgren's letter, while I was trying to explain to the court that**

Mr. Hocking and I had reached a resolution of this matter and that the matter should be set aside. Once Judge Somers became aware of the existence of Judge Hultgren's letter, he refused to listen to anything else I had to say on my client's behalf. He raised his voice and became very angry and animated on the record and denied our motion. I was shocked at his reaction to the letter and was disappointed with his abrupt and irrational decision to deny my motion. Mr. Dabaja was heart-broken as he was now forced to pay on a judgment for which he wasn't responsible. The December 8, 2006 hearing concluded my representation of Mr. Dabaja.

See Attachment 8 (emphasis added).

Hussein Dabaja stated the following in his affidavit:

- **Mr. Salloum filed a motion to set aside the default judgment and he attached a copy of the letter written by the Judge. I believed that Mr. Salloum had cleared up the misunderstanding and that Mr. Hocking was willing to have the judgment set aside. However, when I got to court Mr. Hocking was not there. My attorney tried to explain the situation to Judge Somers but Judge Somers lost his temper when he found out about the letter that Judge Hultgren wrote on my behalf.**
- **It was my attorney that mentioned the letter to Judge Somers. Instead of allowing my attorney and I an opportunity to explain, Judge Somers screamed, told me to be quiet and denied my motion. As a result of his ruling, I was forced to pay approximately \$5,000.00 for a debt that I was not responsible for.**
- **I feel that I was denied my day in court. Judge Somers was unfair and treated me in a rude and obnoxious manner.**
- **When I found out that an investigation was being initiated against Judge Hultgren, I was extremely upset and lost faith in our judicial system. Judge Hultgren was the only person who actually tried to help me and now he was being punished. I was shocked at how this meeting was blown out of proportion and very disturbed by the false allegations that were being made against Judge Hultgren.**

See Attachment 5 (emphasis added).

It is critical to note that Judge Hultgren's intention was only to help a person who he believed was a victim of the system. Judge Hultgren denies that his involvement in this matter constitutes evidence of judicial misconduct.

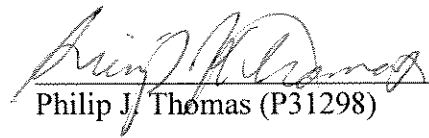
16. Judge Hultgren admits this paragraph.
17. Judge Hultgren admits this paragraph with the following clarification. The January 3, 2007 note was a brief response indicating an "isolated" one time effort under the limited circumstances of this matter. Judge Hultgren denies that his actions with regard to this matter constitute evidence of judicial misconduct.
18. Judge Hultgren admits this paragraph with the following qualification. It was Judge Hultgren's understanding that Mr. Hocking and/or his predecessor attorneys had previously received information indicating that the pending lawsuit pertained to a different Hussein Dabaja, but nonetheless had a default judgment entered and pursued garnishment/attachment/execution procedure after receiving word of the mistaken identity. The January 3, 2007 note was meant to be a brief description about the credit card collection practice that quite often involves the bulk purchase of aging, voluminous delinquent credit card accounts, mass filing of civil complaints resulting in default judgments, where limited factual information on the original credit card accounts is available to the attorney pursuing the claim. We would further add that this statement was made in a confidential communication between Judge Hultgren and Judge Somers and was never intended for any other person's review.

19. Paragraphs 19(a)–(j) contain legal conclusions which do not require an answer. To the extent that the Master or Commission feels that an answer is required, all of the legal conclusions are denied as being untrue.


AFFIRMATIVE DEFENSES

- 1) There is no genuine issue as to any material fact and Judge Hultgren is entitled to dismissal of the charges in the complaint as a matter of law.
- 2) The Complaint fails to state a claim upon which relief may be granted.
- 3) Judge Hultgren reserves the right to amend or supplement these affirmative defenses as this case proceeds and discovery is provided.


Respectfully Submitted


Philip J. Thomas (P31298)

Dated: July 20, 2007


Hon. William C. Hultgren

Subscribed and Sworn to before
me in Wayne County, Michigan
on 7-20-07.


Mary Ann Vanover
Notary Public, Wayne County, Michigan
My Commission Expires: April 20, 2008

ATTACHMENT 1

AFFIDAVIT

I, Carol Hunt, state under oath that if called as a witness in this matter, I will testify as follows:

- 1) I have been Judge Hultgren's judicial aide/secretary since September 9, 2003.
- 2) I do not recall speaking to an Ali Beydoun regarding an appointment that was scheduled for October 16, 2006.
- 3) Carbon copies of messages that are dated October 13, 2006, indicate that I took a message off of the voice mail from Ali Beydoun requesting a fifteen minute meeting.
- 4) I do not recall if I returned Mr. Beydoun's phone call to set up the meeting or if another member of our office did so.
- 5) I do not believe that a meeting was set up for any other party other than Ali Beydoun because if I, or any other person at our office had done so, usually an entry would be noted on the Judge's calendar indicating that two other individuals would be present for the meeting.
- 6) After reviewing the Judge's calendar for October 16, 2006, an entry for October 16, 2006 indicates that he had a meeting with "Wally Beydoun" at 11:00 a.m.
- 7) I recall the day that Mr. Beydoun came in for the appointment. He came with two other men. Pursuant to the Judge's request I looked the case up on the computer system, typed a letter, made copies of one of the

gentlemen's paperwork. and faxed the letter and paperwork to Mr.
Hockings office.

The above statements are true to the best of my knowledge, information and
belief.

Carol Hunt
Carol Hunt

Subscribed and Sworn to before
me in Wayne County, Michigan
on 01-11-03

Notary: Karen M. Ditzhazy
County: Wayne
My Commission Expires: 04-21-03

KAREN M. DITZHAZY
Notary Public, Wayne County, MI
My Commission Expires 04/21/2003

ATTACHMENT 2

IMPORTANT MESSAGE

FOR HLCS
 DATE 10-10-06 TIME 11:00 AM
PM

MI [REDACTED]

OF [REDACTED]

PHONE [REDACTED]

☐ FAX

☐ MOBILE

TELEPHONED ☒ PLEASE CALL

CAME TO SEE YOU WILL CALL AGAIN

WANTS TO SEE YOU RUSH

RETURNED YOUR CALL WILL FAX TO YOU

MESSAGE

SIGNED [REDACTED]

TOPS FORM 1000
MAY 1975

IMPORTANT MESSAGE

FOR HLCS
 DATE 10-13-06 TIME 11:15 AM
PM

MI Al. B. [REDACTED]

OF [REDACTED]

PHONE 415-6399

☐ FAX

☐ MOBILE

TELEPHONED ☒ PLEASE CALL

CAME TO SEE YOU WILL CALL AGAIN

WANTS TO SEE YOU RUSH

RETURNED YOUR CALL WILL FAX TO YOU

MESSAGE

SIGNED [REDACTED]

TOPS FORM 1000
MAY 1975

IMPORTANT MESSAGE

FOR HLCS
 DATE 10-11-00 TIME 11:55 AM
PM

MI [REDACTED]

OF [REDACTED]

PHONE [REDACTED]

☐ FAX

☐ MOBILE

TELEPHONED ☒ PLEASE CALL

CAME TO SEE YOU WILL CALL AGAIN

WANTS TO SEE YOU RUSH

RETURNED YOUR CALL WILL FAX TO YOU

MESSAGE

SIGNED [REDACTED]

TOPS FORM 1000
MAY 1975

IMPORTANT MESSAGE

FOR HLCS
 DATE 10-16-06 TIME 9:35 AM
PM

MI [REDACTED]

OF [REDACTED]

PHONE [REDACTED]

☐ FAX

☐ MOBILE

TELEPHONED ☒ PLEASE CALL

CAME TO SEE YOU WILL CALL AGAIN

WANTS TO SEE YOU RUSH

RETURNED YOUR CALL WILL FAX TO YOU

MESSAGE

SIGNED [REDACTED]

TOPS FORM 1000
MAY 1975

ATTACHMENT 3

October 2006

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
<p>10 00am Wedding/Ceremony</p> <p>11 00am Valley Day/Even</p> <p>3 00pm Jimmy Thorne</p>	<p>11 00am (Diva)</p> <p>Perkins/Dale</p>	<p>4 00pm Wedding/Ceremony</p> <p>6 00pm Wedding</p> <p>Redeemal (John)</p> <p>7 00pm City Beautiful Awards (Council)</p>	<p>5 30pm Brian Riley Wedding/Dinner</p>	<p>3 00pm Concert</p> <p>4 00pm Italian American Club Dinner</p>	<p>10 00am Wedding/Ceremony</p> <p>8 00pm Wisconsin Day/Even</p> <p>1 00pm Lions</p>
<p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p>	<p>7 00pm IFAR Dinner (Isidore Center of America)</p> <p>11 30 AM</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p>	<p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p>	<p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p>

Wedding
Cancel

BA OF Awards

October 1
JUDGE/TORONTO

ATTACHMENT 4

AFFIDAVIT

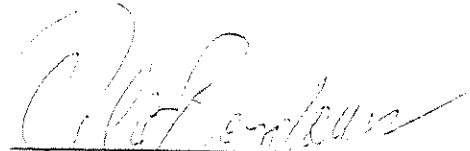
I, Ali Beydoun, state under oath that if called as a witness in this matter, I will testify as follows:

- 1) I have known Judge Hultgren for almost two years. Although my real name is Ali Beydoun, my nickname is Wally and most of my friends refer to me as Wally Beydoun.
- 2) I occasionally run into the Judge at the Fairlane Club in Dearborn. My relationship with him is limited to when I run into him at the gym.
- 3) In 2006, my business partner Frank Dabaja told me that his cousin Hussein Dabaja was being sued for some money that he did not owe. I did not know any other details about this matter. At the time that Frank told me about Hussein's case, I thought it was simply a case of mistaken identity.
- 4) A few days after my conversation with Frank, I ran into the Judge at the Fairlane Club. I asked the Judge if I could talk about a legal matter that my friend was going through. I did not provide him any details about the case at that time. The Judge told me to set up an appointment with his secretary. This was the extent of our conversation on that date.
- 5) After I left the club, I called his secretary and set up an appointment for October 16, 2006. Although I told his secretary that I may be bringing two other people, I did not tell the secretary who I was bringing.


- 6) Neither the Judge or his secretary could have known what was going to be discussed at the meeting or who I was going to bring because I did not tell either one of them.
- 7) On October 16, 2006, I went to meet with the Judge with my partner Frank Dabaja and his cousin Hussein Dabaja. When we got there I introduced Frank and Hussein to the Judge for the first time. They had never met before.
- 8) Frank served as a translator for Hussein. Hussein explained his case to Frank in Arabic and Frank (who is fluent in English) translated for the Judge. Although Hussein tried to explain his case to the Judge in English, he could not do so. As a result, Frank had to translate on his behalf. I brought both of them because I was not personally familiar with the facts of the case and did not believe that I could properly explain the matter to the Judge.
- 9) After the Judge realized that the case was assigned to Judge Somers and that a default judgment had been entered, he told all of us that there was nothing he could do. He also said that he could not interfere, and that Hussein needed to hire an attorney to file a motion to set aside the default.
- 10) Because Hussein was so upset over the whole matter, the Judge said that he would make a quick phone call to the attorney representing the bill collector and attempt to explain the mistake. Frank gave Judge Hultgren copies of Hussein's paperwork and passport. The Judge made a phone call and then wrote a letter explaining the mix up to the attorney.

- 11) The Judge made it clear that there was nothing more that he could do and that Hussein had to hire an attorney. This was all that happened at our meeting.
- 12) The Judge never spoke to Hussein directly. Hussein only spoke in Arabic at the meeting and all of his communications were translated by Frank Dabaja.
- 13) I was recently interviewed by an investigator working for the Judicial Tenure Commission regarding this matter.
- 14) During this interview, I was very nervous and caught off guard by the investigator's questions.
- 15) The investigator questioned me about the meeting that I set up with the Judge. I thought he was trying to get me to say that Judge Hultgren knew about what was going to be discussed at the meeting and the people that would show up. This is just not the truth.
- 16) The Judge did not know who was coming to the meeting, who was involved in the lawsuit or what court the default judgment was entered in. There is no way that the Judge could have known such information when I did not know who Hussein was, or what exactly had happened in his case prior to the meeting that occurred on October 16, 2006.
- 17) The Judge did nothing wrong other than trying to be a nice guy and help a man who was abused by our judicial system

The above statements are true to the best of my knowledge, information and belief.


Ali Beydoun 06-30-07

Subscribed and Sworn to before
me in Lapeere County, Michigan
on 6-21-07

Notary: 
County: Lapeere
My Commission Expires: 12-24-08

ATTACHMENT 5

AFFIDAVIT

I, Hussein Dabaja, state under oath that if called as a witness in this matter, I will testify as follows:

- 1) I was the defendant in *Asset Acceptance Corporation v. Hussein Dabaja*, Case No. GC067971. This lawsuit involved an outstanding debt that was incurred in 1986. At the time that the debt was accumulated, I was not residing in the United States.
- 2) I had contacted David Turfe, (who was an attorney at the time) to explain that I was not the correct defendant, as I knew that it was a case of mistaken identity. Mr. Turfe represented me and contacted Mr. Thomas Hocking who was representing the Plaintiff several times clarifying the mistake. I believed that it was resolved until I found out that default judgment had been entered against me in Judge Somers' courtroom.
- 3) This case had been haunting me for almost eight years. I was very upset so I turned to my cousin Frank Dabaja for assistance.
- 4) Frank called me and informed me that his partner had set up a meeting with Judge Hultgren to get some advice on how to handle the matter once and for all. I had never met Judge Hultgren before and did not know if he was aware of the fact that I would be present for the meeting.
- 5) At the meeting that occurred on October 16, 2006, I met the Judge for the first time. The Judge asked a lot of questions. He knew nothing about the case before my cousin Frank, Ali and I showed up for this meeting. Although I speak English somewhat, when I am in a formal atmosphere I

Speak my native tongue which is Arabic and have a relative or friend translate for me. I do this so I can avoid misunderstanding any questions or providing inaccurate information.

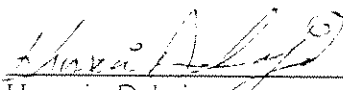
- 6) I tried to explain my situation to the Judge in English but I could not get my point across, as my English is very poor. My cousin Frank Dabaja served as my interpreter when we met with Judge Hultgren on that date. Once Frank began interpreting for me, all of my communications were only in Arabic.
- 7) After I explained my case to the Judge, he told Frank that there was nothing he could do for me. He said that he could not interfere and that we had to hire an attorney to file a motion to set aside the default judgment.
- 8) I was very upset and pleaded with the Judge. I asked him to please help me because I could not afford to hire an attorney to clear up these mistakes. The Judge reluctantly agreed to call Mr. Hocking's office to see if he could clear up the mix up over the telephone. The Judge asked me for my paperwork and he wrote a letter that he faxed to Mr. Hocking's office explaining the mix up.
- 9) After he faxed the letter, the Judge told me that he could do not do anything else for me and that I had to hire an attorney. I left the Judge's office and immediately retained the services of attorney Raymond Salloum.

- 10) Mr. Salloum filed a motion to set aside the default judgment and he attached a copy of the letter written by the Judge. I believed that Mr. Salloum had cleared up the misunderstanding and that Mr. Hocking was willing to have the judgment set aside. However, when I got to court Mr. Hocking was not there. My attorney tried to explain the situation to Judge Somers but Judge Somers lost his temper when he found out about the letter that Judge Hultgren wrote on my behalf.
- 11) It was my attorney that mentioned the letter to Judge Somers. Instead of allowing my attorney and I an opportunity to explain, Judge Somers screamed, told me to be quiet and denied my motion. As a result of his ruling, I was forced to pay approximately \$5,000.00 for a debt that I was not responsible for.
- 12) I feel that I was denied my day in court. Judge Somers was unfair and treated me in a rude and obnoxious manner.
- 13) When I found out that an investigation was being initiated against Judge Hultgren, I was extremely upset and lost faith in our judicial system. Judge Hultgren was the only person who actually tried to help me and now he was being punished. I was shocked at how this meeting was blown out of proportion and very disturbed by the false allegations that were being made against Judge Hultgren.
- 14) I recall being interviewed by an investigator that worked for the Judicial Tenure Commission. I was very afraid and upset by the fact that an investigator was looking into this matter and asking me questions about

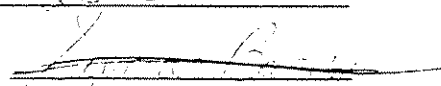
my cousin. I told the investigator that I spoke English and that Frank did not translate for me at the meeting because I did not want to see my cousin Frank get in trouble for a problem that I created.

- 15) I never met Judge Hultgren prior to our meeting on October 16, 2006. Judge Hultgren appeared very surprised to see both my cousin Frank and I on that date.

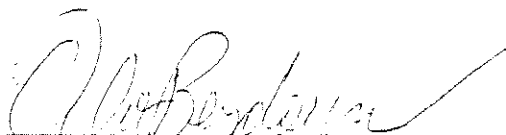
The above statements were translated for me by Ali Beydoun into Arabic and are true to the best of my knowledge, information and belief.


Hussein Dabaja

Subscribed and Sworn to before
Me in Wayne County, Michigan
On 6-30-07

Notary: 
County: Wayne
My Commission Expires: 12-24-2010

Translated By.


Ali Beydoun

ATTACHMENT 6

THE DISTRICT COURT
FOR
THE TWENTIETH JUDICIAL DISTRICT OF MICHIGAN
DEARBORN HEIGHTS

DAVID D. TURFE
JUDGE

June 13, 2007

Vie Serifovski, Esq.
15450 E. Jefferson, Ste. 160
Grosse Pointe Park, MI 48230

RE: Hussein Dabaja

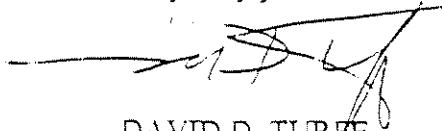
Dear Ms. Serifovski:

Pursuant to our conversation, I agreed to provide you with a letter regarding my representation of Hussein Dabaja. I understand that a grievance has been filed against Judge Hultgren and that my letter may be submitted to the Judicial Tenure Commission for review.

Sometime in early to mid 2006 Mr. Dabaja called me regarding a judgment entered against him. Mr. Dabaja advised me in this initial call that a court officer was attempting to effectuate a Writ of Execution on his assets. Mr. Dabaja advised me further that the individual named on the judgment was not him. As a courtesy to Mr. Dabaja I called the attorney listed on the paperwork and advised same that they are attempting to execute on the wrong individual. After fully discussing the matter with the collection attorney (the name of which I cannot recall) we agreed to stop execution process in order to allow me to fax over Mr. Dabaja's identifying information to substantiate our position. I called Mr. Dabaja and advised him to fax over any and all identifying information, which he immediately did. After receipt of the information, the collection attorney in fact confirmed that this was a case of mistaken identity and that they were attempting to collect the judgment amount from the wrong individual. Because of the prompt response by the collection attorney confirming a clear case of mistaken identity and the fact that Mr. Dabaja was not the named party, no motions or other pleadings were filed. Mr. Dabaja and I relied on the representation of the collection attorney that this matter would be closed and trusted that the collection attorney would make the proper notation in his file.

I hope this information will be helpful in resolving any issues pending before the JTC.

Very truly yours,

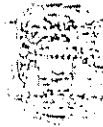


DAVID D. TURFE
District Judge

DDT/dmn

ATTACHMENT 7

STATE OF MICHIGAN



NINETEENTH DISTRICT COURT

WILLIAM C. HULTGREN
JUDGE

16017 MICHIGAN AVENUE
DEARBORN, MICHIGAN 48126
PHONE 313-340-4200
FAX 313-340-9002

October 16, 2006

Thomas D. Hocking, Esq.
P.O. Box 2036
Warren, MI 48090

Via Facsimile only: 586-446-1803 (4 pages total)

Re: Asset Acceptance vs. Hussein A. Dabaja
Case No. GC067971, 19th District Court, Dearborn

Dear Mr. Hocking:

I had the pleasure of speaking with Danielle from your office this morning concerning the above captioned matter. She was kind enough to take the time to look at your records concerning the matter based upon my verbal request. I identified some of the factual basis for asking her to take a second look at the status of the case and the following is a written back up of that information that I provided to her.

The debt that underlies the subject matter of this litigation was allegedly incurred in 1986, two years before this Hussein A. Dabaja arrived in this country. I've enclosed a copy of his passport that supports that fact.

This Hussein A. Dabaja never purchased any medical equipment and in fact there is another Hussein A. Dabaja who left this country some time ago and established a medical practice in Lebanon.

The Hussein A. Dabaja that is being pursued for collection purposes has a different mother then the Hussein A. Dabaja that actually incurred the debt. I've enclosed a copy of a passport indicating the last name of this Hussein A. Dabaja's mother.

The Hussein A. Dabaja that is referenced in these pleadings has a social security number of 372-06-7522 which is different then the individual that incurred the debt. The social security number of the individual incurring the debt is 378-62-3668 as noted in the pleadings. Apparently a different date of birth was listed with the individual who actually incurred the debt also.

Page 2

Thomas D. Hooking, Esq. letter

This particular defendant, Hussein A. Dabaja, was brought to my attention by a mutual friend of mine and Mr. Dabaja's. Mr. Dabaja's english is very poor at best, which may give further credence to the mistaken identity.

I have had other cases in my courtroom that deal with the Hussein A. Dabaja that actually incurred debts and know that he is an individual that has left the country under adverse circumstances. In light of the fact that it's almost economically impossible for the Hussein A. Dabaja that's the subject matter of this lawsuit to pursue his legal remedies, it's in that spirit that I made the phone call and provided this information.

It would be greatly appreciated if you could look into this matter and take whatever action is appropriate. Thank you again for taking the time to look into this individual request. It's pretty impressive business when a big corporation and their lawyer and a judge can take the time to sort out these types of matters.

Respectfully submitted,



William C. Hultgren

WCH/ch
encl.

ATTACHMENT 8

LAW OFFICES OF
RAYMOND J. SALLOUM, P.C.
ATTORNEY AND COUNSELOR AT LAW
36700 WOODWARD AVE.
SUITE 209
BLOOMFIELD HILLS, MI 48304

(248) 594-4700
FAX: (248) 594-4701

June 18, 2007

Vie Serifovski, Esq.
15450 E. Jefferson, Ste. 160
Grosse Pointe Park, MI 48230

Re: Judge William C. Hultgren
Request for Investigation 07-16817

Dear Ms. Serifovski,

I am providing you with this letter regarding my involvement in the case underlying this grievance and understand that you may submit my letter to the Judicial Tenure Commission for review. The following constitutes my recollection of my representation of Hussein Dabaja.

In *Asset Acceptance Corporation v. Hussein Dabaja*, Case No. GC 0679971, Hussein Dabaja was being sued for a credit card debt allegedly incurred in 1986. Significantly, Mr. Dabaja was not residing in this country at the time, as he was lawfully admitted to the United States two years later in October, 1988. Mr. Dabaja through his cousin Frank Debaja forwarded to my office on or about October, 2006 a copy of the garnishment of his bank account and a copy of the Judgment. His cousin Frank Dabaja, served as an interpreter on his behalf. Frank Dabaja informed me that this was a case of mistaken identity. He also told me that Hussein has been battling with this misunderstanding for almost eight years. In the spring or early summer of 2006, Hussein had contacted an attorney who placed a few telephone calls with the attorney representing *Asset Acceptance Corporation*, and he believed that the misunderstanding had been corrected. Unfortunately, that was not the case, as a default judgment had been entered against him on August 22, 2006. By September, 2006, the plaintiff had taken action to seize Mr. Dabaja's property and had filed a motion for temporary assignment of a court officer to execute the writ of execution. Mr. Dabaja informed me that out of desperation he had gone to see Judge Hultgren. He also informed me that Judge Hultgren prepared a letter

outlining the misunderstanding to Mr. Hocking and faxed the letter to him on October 16, 2006. He provided me with a copy of Judge Hultgren's letter on that date.

After I reviewed Judge Hultgren's letter, I placed several telephone calls to Mr. Hocking's office. I recall speaking with him and asking him to consider setting aside the default as his client was clearly pursuing the wrong party. I sent him a letter on October 23, 2006 referencing Judge Hultgren's letter and also enclosed a copy of a stipulated order of dismissal. It was my belief, that Mr. Hocking would have clearly agreed to dismiss the action against Mr. Dabaja once he realized the obvious mistake. When I didn't hear back from Mr. Hocking, I filed my appearance and objections to the garnishment on November 16, 2006. The matter was scheduled for a hearing before Judge Somers on December 8, 2006. Prior to the hearing date, Mr. Hocking returned my telephone calls and acknowledged the mistake in identity. He further informed me that when he showed up for court on December 8th that he would not object to setting aside the default. Unfortunately for Mr. Dabaja this case had an unexpected turn of events.

At Mr. Hocking's request, I forwarded documentation clearly establishing that Mr. Dabaja was not responsible for the judgment. My client had a different Social Security Number, different wife, different date of birth and per passport was not in this country when the debt arose. Mr. Dabaja's case of mistaken identity was most compelling.

At the December 8, 2006 hearing, Mr. Hocking was unable to attend and sent an associate from his office that was unfamiliar with the case. As a result, I began to argue the merits of Mr. Dabaja's case to the court. I made reference to Judge Hultgren's letter, while I was trying to explain to the court that Mr. Hocking and I had reached a resolution of this matter and that the matter should be set aside. Once Judge Somers became aware of the existence of Judge Hultgren's letter, he refused to listen to anything else I had to say on my client's behalf. He raised his voice and became very angry and animated on the record and denied our motion. I was shocked at his reaction to the letter and was disappointed with his abrupt and irrational decision to deny my motion. Mr. Dabaja was heart-broken as he was now forced to pay on a judgment for which he wasn't responsible. The December 8, 2006 hearing concluded my representation of Mr. Dabaja.

If I can be of any further assistance, please let me know.

Very truly yours,



Raymond Salloum